(29)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI SATISH K. AGNIHOTRI, J.

W.P. No.1859 of 2001

PETITIONER Pramod Kumar Tiwari
Aged 39 years, S/o. Ramkumar Tiwari, R/o Maro Tah. Nawagarh, Distt. Durg (C.G.)

VERSUS

RESPONDENTS:
1. State of Chhattisgarh
Through : Secretary Home Raipur
2. Superintendent of Police Durg
3. Deputy Inspector General of Police, Raipur
4. Inspector General of Police
Bhilai, Distt. Durg

Present: Shri H.V. Sharma, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G. A. for the State.

ORAL ORDER
(Passed on 15th September, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

This writ petition is directed against the order of the State Administrative Tribunal (for short 'the Tribunal'), Jabalpur dated 24-05-1990 passed in Original Application No. 1079 of 1990, marked as Annexure P/1. When this Court pointed out the inordinate delay in preferring the writ petition on 27-03-2003 to learned counsel for the petitioner, he sought time to file affidavit giving reasons for approaching this Court with delay. Today, learned counsel for the petitioner would submit that he has already filed the affidavit in the Registry. He also made available to us a copy of the affidavit filed by him in this case. We place the same on record and that shall form part of the record. The

affidavit submitted by the petitioner for explaining the delay of more than 11 years reads as follows:

> "I, Pramod Kumar Tiwari, aged about 41 years, S/o Ramkumar Tiwari, R/o Maro Tah. Nawagarh, Distt. Durg (C.G.) do hereby state on oath as follows:-
>
> 1) That I am petitioner in the instant petition. That the Hon'ble court directed to file affidavit in respect of the facts stated for condonation of delay in filing the instant petition.
> 2) That after passing of the order by administrative tribunal Jabalpur due to the joint family liability and poverty I was mentally disturbe.
> 3) That despite the order passed by Administrative Tribunal I made several representation to the state and the authority unnecessarily.
> 4) That I made several unnecessary effored and spent my 11 years fruitlessly. That there are reasonable grounds for condonation of delay in filing the petition".

(2). The explanation offered for the delay in the affidavit, in the first place, is as vague as it could be. Secondly, this explanation could never constitute any cause much less 'sufficient cause' to condone the enormous delay of 11 years and more. The writ petition is, therefore, dismissed solely on the ground of delay and laches. No costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge